UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/42
4 March 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 17

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-THIRD SESSION

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

GE. 92-11770 [2 March 1992]

The International Fellowship of Reconciliation (IFOR) wishes to address a particularly serious problem concerning violations of basic human rights with regard to the Jewish minority of Syria, now numbering about 4,000 persons; as well as a related matter of the continued detention for over four years, without a fair trial, of two members of this minority: Eli and Selim Swed, both pharmacists.

The "right to leave" one's country is enshrined in article 13 of the Universal Declaration of Human Rights and in article 12/2 of the International Covenant on Civil and Political Rights, which has been the subject of study and recommendation for several years by the Commission on Human Rights and is currently being examined by the Sub-Commission in connection with a Draft Declaration, concerning which the Secretary-General transmitted the Report of its Working Group to the Commission in note E/CN.4/1992/47.

The situation of the Jewish minority of Syria is an old human rights issue, constantly raised since the foundation of the United Nations. In the introduction to his 1969 annual report on the Organisation, the UN Secretary-General U Thant referred to this minority (and to other Jewish minorities in certain Arab countries, most of whom have since been allowed to emigrate) in these terms: "... these minorities would be better off elsewhere and the countries in which they now live would also be better off, given the prevailing circumstances, if the departure of those who would wish to leave could be sanctioned and arranged... I hope very much, therefore, that it may soon be possible to find sensible ways of solving this largely humanitarian problem. The approach to the situation can be based only on humanitarian considerations..." (Official Records of the General Assembly, 24th session, supplement N°1A (A/7601) Add. 1, para 74.)

In a letter dated 12 December 1978, the President of the French Senate Mr Alain Poher - who still holds that distinguished post - informed the UN Secretary-General Mr Kurt Waldheim: "By its treatment of the Jews in his territory, Syria is constantly and methodically violating the International Covenant on Civil and Political Rights of 1966, to which it acceded on 21 April 1969. The 4,500 Jews of Syria residing at Damascus, Kamishli and Aleppo are treated like hostages and cannot leave the country even to receive medical care."

Over the next years, in response to appeals by some world leaders, the Syrian Government eased some of the rigid discriminatory restrictions applied to the Jews. For example, as a result of the April 1977 meeting in Geneva between Presidents Jimmy Carter and Hafez al-Assad, fourteen Jewish girls were authorised to leave Syria for New York, where there is a sizeable Syrian Jewish community.

Since then, some more Jewish women were allowed to emigrate after repeated requests from foreign personalities, whose status was sufficiently important to justify further "humanitarian gestures" from the Syrian authorities. There is a demographic disequilibrium within the Jewish community of Syria, resulting in a situation where about 200 Jewish women of childbearing age, without husbands, still have little or no chance of marrying a member of their own faith and therefore seek to emigrate to a Jewish community elsewhere.

This hostage-like condition of the Jews in Syria was well described by a British historian in Report N° 76 of the London-based Minority Rights Group, dated November 1987, under the title: "The Jews of Africa and Asia". Regarding their situation in Syria, he concluded: "The Jews are not the only oppressed group in Syria. In many respects, however, the situation of the Jews is even worse than that of other groups such as the Kurds or Armenians." The International Federation of Human Rights also submitted a detailed file on this same subject, dated 21 June 1988.

In an Act of the United States Congress (H.R. 300), dated 15 December 1987, under Sec. 620: PLIGHT OF JEWS IN ARAB COUNTRIES, clause (b), being a STATEMENT OF POLICY, reads as follows: "It is the sense of the Congress that the United States Government should: (2) specifically urge the Government of Syria to halt its intolerable policy of holding its Jewish citizenry hostage through harassment and intimidation and allow them to emigrate."

Two years later, assurances were given by the Government of the Syrian Arab Republic to the United States Government, contained in a State Department document of 8 November 1989 (reported in the press), stating that Syria had agreed to: "*consider positively applications for legal emigration for those with relatives, who have already emigrated, and to allow single Jewish women to leave Syria.*"

The remnant of this ancient Jewish community (ten per cent of the 1948 estimation of 40,000 persons) is still a hostage minority, most of whom - especially the unmarried women - would like to leave Syria but are not allowed to do so, except in certain special cases where at least one close relative remains to guarantee the "good conduct" and the return of the exceptionally authorized absentee.

At the forty-second session of the Sub-Commission, Mrs Claire Palley, the member from the United Kingdom, made the following Statement on 15 August 1990 (E/CN.4/Sub.2/1990/SR.11), which she reiterated, word for word in a subsequent "point of order", in reply to the observer of the Syrian Arab Republic (Mr Moukhless Pharaon): "Despite protestations I have heard over the last three years by the representative of Syria that Syria's Government does not practise discrimination, especially in relation to persons of the Jewish faith, this Sub-Commission should not be silenced until satisfied that this is true, not by mere words and assurances, but by the actual emigration of the women who have become victims. I hope the representative of Syria will tell us precisely when, and the modalities in terms of which, all such women will be permitted to emigrate within the next six months." (Verbatim UN tape-recorded transcript.)

Since this formal request was made, several Jewish girls were allowed to emigrate, but the "right to leave" is still a difficult obstacle for these women, many of whom wish to leave the country. The same restrictive rules against emigration apply to the rest of this "hostage" minority, each of whom is designated in Syrian identity cards with the word, in blue letters, "Mossawi" - meaning in Arabic: of the Jewish, or Mosaic, religion. Other examples: Jews are not permitted to participate or vote in elections, nor work in the public service. Phone calls to Jews are tapped and their letters are subject to censorship. Members of the Secret Service (*Moukhabarat*) frequently "visit" synagogues during religious service and are known to take exception to the word "Israel" in the traditional prayer books.

* * *

With regard to the related matter of detention without a fair trial - as it concerns the Jewish minority in Syria - Amnesty International published two Urgent Action Appeals, dated 14 July and 1 December 1988 on ten members of the Syrian Jewish community, all of whom were arrested without warrants, denied access to legal counsel and several allegedly tortured. More recently, in its October 1991 Newsletter, Amnesty International reported that: "At least 23 members of Syria's Jewish community have been arrested since 1987, including women and secondary school students. Most of them were detained without trial, ostensibly after having tried to leave Syria without exit permits..." Two of them are still in 'Adra Civil Prison: they are 52 year-old Salim Swed, married with three children, arrested in his pharmacy in December 1987; and his 31 year-old brother, Eli, also a pharmacist, arrested at the same period and held in untried detention for over three years. On 21 May 1991 they were each given a 6½ year sentence, reportedly on charges of treason or espionage, after a "trial" held *in camera* on 5 March 1991 which lasted a few minutes. According to Amnesty International: "Neither the defendants nor their lawyers were allowed to speak. AI has received no response from the Syrian authorities to its request for details of the trial proceedings and of any right of appeal to a higher tribunal."

The International Fellowship of Reconciliation requests the Commission on Human Rights and the Government of the Syrian Arab Republic to find ways and means for ending this abnormal situation by granting the effective enjoyment of human rights and fundamental freedoms to the Jewish minority in Syria. It suggests that this should be considered as an urgent matter, which could best be approached on three levels:

1) On "humanitarian considerations", as recommended by former Secretary-General U Thant twenty-two years ago, in the introduction to his 1969 annual report, quoted above;

2) On the basis of the "right to leave" one's country, which should be applied as a collective measure for this "hostage minority" of about 4,000 persons, scarcely a family of which has not been divided or separated. Each individual would retain the possibility to remain in Syria, or to return to that country - especially the single women.

3) The two brothers Elie and Salim Swed - the last of the two prisoners out of at least 23 members of the Syrian Jewish community, arrested in 1987 as described above - who have been in detention without trial for 3½ years and have been sentenced to a 6½ year prison sentence, in a trial which contradicts all international norms to which Syria is a party, should be rapidly freed under the auspices of the International Committee of the Red Cross (ICRC) and allowed to leave Syria with their families.

* * *